

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

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4 CASE NO. 2:21-cr-00250-JCM-EJY

5 UNITED STATES OF AMERICA,

6 Plaintiff,

ORDER

7 vs.

8 JOSE CAJETE,

9 Defendant.
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13 **FINDINGS OF FACT**

14 This matter coming on the parties' Stipulation and Order to Withdraw Defendant's
15 Motion to Suppress (ECF No.43), the Court having considered the premises therein, and good
16 cause showing, the Court accepts the Stipulation of the parties and finds as follows:

17 1. The parties have reached a settlement in the case thereby obviating the need to
18 litigate the Motion and corresponding evidentiary hearing.

19 2. An executed guilty plea agreement will be submitted to the Court forthwith.

20 3. Defendant has no objection to the withdrawal of the Motion.

21 4. Defendant is in custody at the Nevada Southern Detention Center in Pahrump.

22 5. Denial of this request could result in the miscarriage of justice.

23 6. This is the first request to withdraw Defendant's Motion to Suppress (ECF No.
24 43).

25 7. This withdrawal is not sought for the purposes of delay.

26 8. For the above-stated reason, the ends of justice would best be served by
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1 withdrawal of Defendant's Motion to Suppress (No. ECF No. 43) and vacating the evidentiary
2 hearing scheduled for January 5, 2023.

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4 **IT IS THEREFORE ORDERED** that Defendant's Motion to Suppress (ECF No. 43) is
5 hereby withdrawn and the evidentiary hearing currently scheduled for January 5, 2023, be
6 vacated.

7 DATED this 20th day of December, 2022.

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11 **UNITED STATES MAGISTRATE JUDGE**